

**Foxborough Planning Board
Meeting Minutes
September 27, 2012
Town Hall**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, Alternate John Rhoads

Members Absent: Shannon McLaughlin

Also Present: Planner Sharon Wason

In light of Ms. McLaughlin's absence, Mr. Rhoads will participate in the meeting.

7:00 p.m. Review of old/new business

Planner's Report

EPA Sustainable Grant – Sharon Wason informed the Board that the work is in process. They are looking at parking requirements in zoning compared to its numbers and also comparing the requirements to other Towns. A parking turnover study will be done on Saturday and next week. A workshop will be held on November 1st. The grant work will have to be finished this fiscal year.

Town Hall Phone system – S.Wason stated that switchboard coverage for Town Hall has been expanded so every office is responsible for coverage for a half day. Full consoles were installed in every secretary's office. Unfortunately, due to this change, the department line doesn't ring in Sharon's office and when the secretary is out of the office, the phone doesn't get answered. This has caused a lot of issues and has angered many citizens trying to reach the office. S.Wason presented the problem to Town Manager Paicos who agreed that the console should be removed from our department since there isn't full-time secretarial coverage.

Cell Phone Stipend – S.Wason explained that the Town has a policy to reimburse employees \$40 per month for the use of personal cell phones for business. She asked the Board to approve a \$40 per month stipend for the Planning Board employees.

Motion by Kevin Weinfeld to approve a \$40/month stipend for Planning Board employees. Seconded by William Grieder. Unanimous Affirmative Vote (5:0)

7:10 p.m. Discussion concerning the Foxborough Compost Site and 6 Springbrook Road

Ron Bressé recused himself.

Andy Felix was present. S.Wason explained that site plan approval for the Compost Site expired on August 1, 2012 and A.Felix is seeking guidance from the Board as to how to proceed. K.Weinfeld stated that when the Board was reviewing the site plan, A.Felix didn't know how the operation would work and the Board wanted him to return to report and bring a definite plan on the operations. A.Felix stated that there was a smooth transition from the Elm Street location to East Belcher Road.

S.Wason suggested having A.Felix submit an as-built plan. W.Grieder stated that he is unsure if the current size is larger than what was approved.

A.Felix stated that he would prefer not to start a new application. S.Wason stated that A.Felix received a letter from Building Commissioner Casbarra stating that he is violation of site plan. The Board needs to determine how to proceed so he can respond to the Building Commissioner. She suggested requiring a new site plan application or requiring that an as-built plan be submitted. W.Grieder stated that an as-built plan cannot be done for a permit that doesn't exist.

A.Felix stated that they have created a functional, very useful site.

J.Rhoads stated that he didn't think it can be a modification, but should be sympathetic since he is providing a service to the town. He agreed that a new application should be submitted.

G.Greene that the operation is well run but very concerned as we are approaching October leaf season and the logging situation needs to be addressed; adding that he is concerned about space when several residents are unloading materials at the same time.

K.Weinfeld agreed that a new application should be required, but the operation should be allowed to continue; the site was cleaned up and stabilization measures installed.

S.Wason asked A.Felix to submit a new site plan application with the plans showing the current operation. She then discussed the Spring Brook Road. A.Felix stated that when ice rink was built, buffer was supposed to revegetate in an area that is fenced, fence belongs to ice rink. He added that the rink owner and he are in agreement.

7:25 p.m. Request to extend the subdivision completion date for the "Nantucket Estates" subdivision

Attorney John Michelmore represented King Realty Trust. He stated that the subdivision consists of 9 single-family lots and was approved in April 2006. At this time, no work has been done. He stated that the real estate market is finally thawing out and there are people looking to buy small subdivisions, but at the moment there are no offers to purchase the subdivision. He stated that they don't believe that there were any changes in regulations that would affect the subdivision. He stated that they are looking for a two-year extension of the completion date.

Matt Noone, 110 South High Street – stated that percolation tests were done a long time ago and there have been floodings since. He asked if new percolation tests would be done prior to construction. J.Rhoads responded that percolation tests have no shelf life, are continued to be valid. K.Weinfeld said that he should consult with the Board of Health. M.Noone stated that he is concerned if the plan is changing at all.

Ari Weinstein, 112 South High Street – stated that he bought his house in July 2009 and the woods are a part of the reason they purchased house. He stated that he has grave concerns on more houses being added to the area and asked that the project is not approved. K.Weinfeld responded that the subdivision went through a close review by the Board and other Town officials. S.Wason stated that the subdivision was approved in 2006 and that zoning and subdivision rules haven't changed since and the project is grandfathered for 8 years. She stated that the question is the length of time of extension.

The Board discussed bonding of subdivisions. K.Weinfeld stated that once a subdivision begins, they have to put up a bond to ensure construction is done according to specifications and will be carefully inspected.

Motion by G.Greene to approve a two year extension of the completion date for the “Nantucket Estates” subdivision. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

**7:55 p.m. Public Hearing – Special Permit
 Accessory Apartment
 63 Morse Street
 James & Patricia Slattery**

Motion by W.Grieder to waive the reading of the hearing notice. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

K.Weinfeld read letter from Mrs. Slattery explaining that they meet the standards outlined in the by-law and that the occupant of the unit would be her mother, Jane Kelley. S.Wason stated that they have received permission from the Board of Water & Sewer Commissioners to connect to the sewer system.

K.Weinfeld read letters received from the other Town Boards and Departments:

- Deputy Fire Chief Bagley reviewed and approved the plan as submitted.
- Conservation Manager Pierce stated that she has no comments on the plans.
- Health Agent Clifford stated that since the property has been approved to be tied into sewer, the cesspool on the property must be pumped, crushed and filled or removed.

K.Weinfeld stated that the plans show a good design, matching the existing home and should talk about color and material to be used. W.Grieder asked if they will be re-shingling the structure and roof. James Slattery replied in the affirmative.

S.Wason stated that parking meets zoning regulations and asked the Board if screening should be required, noting that there’s a large shrub between the house and the abutting Chung home. She asked if separate meters would be installed. J.Slattery responded that there will be one meter for both units.

There were no comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to approve the special permit to construct an accessory apartment with the conditions following conditions:

1. This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.
2. Occupancy of the second unit shall be limited to Mrs. Slattery’s mother, Jane Kelley. This Permit shall expire upon the home being sold or when the petitioner’s mother no longer resides in the unit.
3. The kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling.

4. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.
 5. Any change(s) from this permit or any of its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
 6. The cesspool on the property shall be pumped, crushed and filled or removed.
- Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

**8:10 p.m. Public Hearing – Special Permit
 Accessory Apartment
 2 Joseph Road
 Matthew & Diana Griffin**

Motion by W.Grieder to waive the reading of the public hearing notice. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

Diana Griffin explained that they will be purchasing her parents' home and will build an addition which will include the accessory apartment that her parents will occupy. S.Wason stated that the only concern she has is if the two halves will look like a single home. She noted that there are double windows in the addition but not the existing home. Martha Slattery responded that the house is very dark and need more light. K.Weinfeld noted that the lot is very well treed. D.Griffin stated that new siding will be installed in the entire home so the color will be the same.

K.Weinfeld read comments received from other Town Boards and Departments:

- Deputy Fire Chief Bagley reviewed and approved the plan as submitted.
- Conservation Manager Pierce stated that she has no comments on the plans.
- Health Agent Clifford stated a Title V inspection report should be submitted to show the current conditions of the septic system. D.Griffin presented a Title V certification stating that the septic systems passed.

There were no comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to approve the special permit to construct an accessory apartment with the following conditions:

This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.

1. Occupancy of the second unit shall be limited to Mrs. Griffin's parents, James & Martha Slattery. This Permit shall expire upon the home being sold or when the petitioner's parents no longer resides in the unit.
2. The kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling.
3. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.

4. Any change(s) from this permit or any of its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
5. Siding for the entire structure shall be replaced to match the color and materials of the new addition.

Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

**8:15 p.m. Form A
17 North Street
Gernot & Mari Seidler**

Engineer William Buckley represented the applicants. He stated that the lot is located in the triangle area between North, Payson and Chestnut streets. S.Wason stated that the plan complies with the Form A requirements and noted that the existing turnaround section will be eliminated.

Motion by W.Griender to approve the plan since the Board found that the lots have appropriate access and sufficient frontage. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

8:30 p.m. Discussion with Developer Doug King and engineer William Buckley concerning the Foxborough State Hospital redevelopment project

Richard DeCoste, 12A Shea Lane – he stated that the Shea Lane neighbors are concerned about releasing bond money, as they are concerned about their project being completed. He stated that they would like to know when the last house will be built and they would like the roadway to be finished and damaged trees replaced.

Robert Wenmark, 14B Shea Lane – asked if paving will take place after the last lot is built.

Curtis Fauth, 10A Shea Lane – asked if there are plans for building the last house.

Doug King responded that they plan on finishing the road next spring, but there are no plans for the last house yet. S.Wason read Construction Report #4 from inspector Norman Mullaney.

S.Wason stated that remaining funds would cover final paving, etc. but not the trees. Richard DeCoste stated that trees have been watered all summer, they haven't been neglected. W.Buckley stated that the amount for trees can be retained but trees will not be replaced at this time.

D.King discussed the townhouse development. He stated that his group did a 55+ analysis, spoke with 4 banks and found a large amount of developments that were foreclosed that were 55+ projects. Dover had 2 projects that went bankrupt and then the restriction was lifted. Report in 2005 foresaw that there would be a glut in 55+ units. He stated that goals are being accomplished without the restriction.

K.Weinfeld explained the background of the restriction as part of the State Hospital redevelopment. R.DeCoste asked if the requirement is part of a zoning issue. S.Wason responded that Board needs to discuss the mechanism on the change. R.Bressé stated that removing the restriction may help move the units.

G.Greene stated that a separate permit should be issued for this project. W.Grieder stated that at this point, there's a need to separate the remaining requirements and determine who is responsible adding that the Board is trying to be considerate and fair so Mr. King can be afforded the same courtesy that was given to Norwood Bank. S.Wason stated that she reviewed the 2006 and 2007 permits and there are things that have been done, to be done and to be changed.

W.Buckley stated that Mr. King is doing this because he can't get financing for this project. If the restriction is eliminated, the property would be mortgageable. He agreed that this needs to be a clean permit. At this point they can't commit to demo the power plant since they don't know what the final product will be. W.Grieder stated that the power plant and garage are owned by D.King but the Chapel is owned by others. W.Buckley stated that they want to negotiate a global finish so Board can deal with Mr. King and he would then deal with other owners. K.Weinfeld responded that this is problematic since VinCo is considered the main developer and they may protest such deal. W.Buckley stated that they don't know what the alternative is for the development of the chapel.

W.Grieder questioned the number of units listed in the September 27th letter. He stated that Phase II for the original permit includes all of Village Estates (Shea Lane) and all of Highlawn Farm. W.Buckley responded that Shea Lane and Highlawn Farm don't have anything to do with the Chestnut Green permit. G.Greene stated that calculations for the work to be done as part of Phase II (football field, softball field, etc.) was based on 105 units. S.Wason responded that Phase II includes 60 townhouses, 31 homes in Highlawn Farm, and 14 homes Shea Lane.

W.Buckley stated that they would like to modify the request for removing the 55+ and will still rip down the smoke stack. G.Greene stated that this has to be worked out in total adding that the Board is supportive of the removal of the restriction. W.Grieder stated that the Board is looking to keep the project moving. W.Buckley stated that Mr. King can't finance the project as is.

The discussion will continue at the November 8th meeting.

10:10 p.m. Meeting adjourned.

Respectfully submitted,
Gabriela Jordan

Approved by: _____ Gordon Greene, Clerk _____

Date: April 25, 2013